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PATENT

New Attorney Docket No. 54442-20002.10

Old Attorney Docket No. 38599.0015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: James D. Thacker ) Group Art Unit: 1645  
Appl. No.: 10/020,923 )  
Filing Date: December 19, 2001 ) Examiner: Khatol S. Shahnan Shah  
Title: METHODS FOR THE RAPID DETECTION OF ACTIVELY RESPIRING  
MICROORGANISM

**MAIL STOP: AMENDMENT**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**a.) Introductory Comments:**

**RESPONSE TO COMMUNICATION**

Applicant received a Communication from the U.S. Patent and Trademark Office, mail dated November 16, 2004, indicating that Applicant's Amendment filed and dated August 23, 2004, was non-compliant. Specifically, applicant is directed to use only the seven approved status identifiers when referring to the claims. Applicant is requested to provide any necessary revisions within one month of the mail date of the Communication provided the original Amendment was a *bona fide* attempt to reply to the non-final Office Action.

Applicant has revised the status identifiers as requested in the communication and re-presents the Amendment. Applicant also submits that the original Amendment was a *bona fide* attempt to timely reply to the Office Action as is believed clear from the fact that the Amendment was otherwise complete in every aspect. Thus, this Amendment is being filed within one month of the mail date of the Communication, and no additional fees or extensions of time are believed to be required.

**Appln. No. 10/020,923**

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Accordingly, in response to the non-final Office Action, mail dated May 5, 2004, applicant respectfully requests entry of the following amendments to the claims and reconsideration of the rejections of record in view of these amendments and applicant's remarks below.